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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,142	10/16/2000	Gary Crance	06975-070001	9995
26171	7590	02/06/2006	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			KIM, JUNG W	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/688,142	CRANCE, GARY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jung W. Kim	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 December 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9, 11-31, 33-50 and 52-75 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-9, 11-31, 33-50 and 52-75 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1)  Notice of References Cited (PTO-892)  
 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5)  Notice of Informal Patent Application (PTO-152)  
 6)  Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This Office action is in response to the amendment filed on December 30, 2005.
2. Claims 1-9, 11-31, 33-50 and 52-75 are pending.
3. Claims 1, 23, 42, 52 and 64 are amended.
4. Claims 10, 32 and 51 are canceled.

***Continued Examination Under 37 CFR 1.114***

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 30, 2005 has been entered.

***Response to Amendment***

6. The objection to the title is withdrawn as the new title is better indicative of the invention to which the claims are directed.

***Response to Arguments***

7. The 112/2<sup>nd</sup> paragraph rejections to claims 1, 3, 10, 23, 25, 32, 41, 42, 44, and 51 are withdrawn as these rejections were addressed in an earlier amendment.

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8. Applicant's arguments with respect to the prior art rejections of the amended claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

10. Claims 1-9, 11-19, 21, 23-31, 33-37, 39, 41-50, 52-60, 62, 64-72 and 74 are rejected under 35 U.S.C. 102(a) as being anticipated by Lemay et al. Teach Yourself Java 2 in 21 days "Building Simple User Interfaces for Applets" pgs. 268-291.  
(hereinafter Lemay 1)

11. As per claims 23-31, 33-37, 39 and 41, Lemay 1 discloses (claim 23) a system comprising: a processor having communications links for receiving content from a network; an output device for making received network content perceivable; an input device for receiving user input; and memory storing software instructions performed by the processor for presenting an indicator that differs from the content and indicates a presence of the content, for preventing a user from perceiving the content while the indicator is being presented, for receiving a request from the user to access the content, for enabling the user to perceive the content based on the request received from the

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user, and for preventing the user from capturing the content and preventing a perception of the content at the indicator whenever the user attempts to capture the content (pg. 279-281, "Choice List", the choice list [fig. 11.7 or 11.8] is an indicator that differs from the content displayed as a list when the arrow down is selected; moreover, when the arrow down is selected to view the list, the focus of the browser/window is directed to this object, more particularly, to view the contents of the list-the focus as known to one of ordinary skill in the art indicates which object in the window reacts to keyboard or mouse input. When the down arrow is selected, and the list is viewable, the print command on a user's browser cannot be selected nor can the right mouse button engage to print the screen as these objects do not have the focus. Only when the focus is removed from the choice list, and when the list is not viewable, can the screen be printed by selecting these other objects);

(claim 24) wherein the software instructions for preventing the user from capturing the content includes software instructions for preventing the user from capturing the content while perception of the content is enabled (when the down arrow is selected, and the list is viewable, the print command on a user's browser cannot be selected nor can the right mouse button engage to print the screen as these objects do not have the focus);

(claim 25) wherein the content is an image and the memory includes software instructions performable by the processor for generating the indicator to include a display area having a size that is greater than a size of the image and a location at a

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position of the image (pg. 280-281, "Choice List", fig. 11.7 or 11.8, the choice list displays a viewable list);

(claim 26) wherein the memory includes software instructions performable by the processor for generating the indicator to include text that is presented to the user with instructions for operating an input device to perceive the content when a graphical interface tool is positioned over the indicator (pg. 280-281, "Choice List", fig. 11.7, "Choose One" and down arrow);

(claim 27) wherein the software instruction for enabling the user to perceive the content include software instructions for presenting the content to the user when the user requests access to the content by at least positioning a graphical interface tool over the indicator (pg. 280-281, "Choice List", fig. 11.7, "Choose One" and down arrow);

(claim 28) wherein the software instructions for preventing the user from capturing the content include software instructions for preventing the user from using devices capable of capturing the content while the content is being presented to the user (when the down arrow is selected, and the list is viewable, the print command on a user's browser cannot be selected nor can the right mouse button engage to print the screen as these objects do not have the focus);

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(claim 29) wherein the software instructions for preventing the user from capturing the content include software instructions for preventing the user from using a single input device to both present and capture the content (when the down arrow is selected, and the list is viewable, the print command on a user's browser cannot be selected nor can the right mouse button engage to print the screen as these objects do not have the focus);

(claim 30) wherein the software instructions for enabling the user to perceive the content include software instructions for presenting the content in a browser window (pg. 280-281, "Choice List", fig. 11.7 and 11.8);

(claim 31) wherein the software instructions for preventing the user from capturing the content comprises software instructions for preventing the user from accessing an application of a browser used to produce the browser window that otherwise is capable of at least one of copying and saving the content (pg. 280-281, "Choice List", fig. 11.7 and 11.8; when the down arrow is selected, and the list is viewable, both the print, copy and save command on a user's browser cannot be selected nor can the right mouse button engage to print the screen as these objects do not have the focus);

(claim 33) wherein the content includes an image and the software instructions for preventing the user from capturing the content comprise software instructions for preventing the user from copying and saving the image (the choice list displays a

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viewable list; when the down arrow is selected, and the list is viewable, both the print, copy and save command on a user's browser cannot be selected nor can the right mouse button engage to print the screen as these objects do not have the focus);

(claim 34) wherein the software instructions enable perception of the content from a webpage (pg. 280-281, "Choice List", fig. 11.7 or 11.8);

(claim 35) wherein the content comprises an image and the software instructions for enabling the user to perceive the content include software instructions for displaying the image (the choice list displays a viewable list);

(claim 36) wherein the content is described in a hyper-text markup language (pg. 280, fig. 11.7 is a standard select box conventionally defined in HTML; pg. 281, fig. 11.8: the java applet is invoked in HTML using applet tag);

(claim 37) wherein the software instructions for receiving a request from the user to access the content comprise software instructions for receiving input from a user indicating a request for access to a document, with the instructions including a network address of the document (the web interface is conventionally downloaded using a network address);

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(claim 39) wherein the content includes text, the software instructions for enabling the user to perceive the content include software instructions for displaying the text, and the software instructions for preventing the user from capturing the content includes software instructions for preventing capture of information representing the text (when the down arrow is selected, and the list is viewable, both the print, copy and save command on a user's browser cannot be selected nor can the right mouse button engage to print the screen as these objects do not have the focus); and

(claim 41) wherein the software instructions are stored as an applet (pg. 281, fig. 11.8).

12. As per claims 1-9, 11-19 and 21, they are claims corresponding to claims 23-31, 33-37, 39 and 41, and they do not teach or define above the information claimed in claims 23-31, 33-37, 39 and 41. Therefore, claims 1-9, 11-19 and 21 are rejected as being anticipated over Lemay 1 for the same reasons set forth in the rejections of claims 23-31, 33-37, 39 and 41.

13. As per claims 42-50, 52-60, 62, 64-72 and 74, they are claims corresponding to claims 23-31, 33-37, 39 and 41, and they do not teach or define above the information claimed in claims 23-31, 33-37, 39 and 41. Therefore, claims 42-50, 52-60, 62, 64-72 and 74 are rejected as being anticipated over Lemay 1 for the same reasons set forth in the rejections of claims 23-31, 33-37, 39 and 41.

***Claim Rejections - 35 USC § 103***

14. Claims 1-3, 8, 9, 11-17, 21, 23-25, 30, 31, 33-35, 39, 41-44, 49, 50, 52-60, 62, 64-72 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen U.S. Patent No. 6,032,150 (hereinafter Nguyen) in view of Gelfer et al. USPN 6,587,843 (hereinafter Gelfer).

15. As per claim 23, Nguyen discloses a network of computers having communications links for receiving content from a network, wherein each computer has an output device for making received network content perceivable and an input device for receiving user input (col. 2:40-60). Furthermore, Nguyen discloses memory storing software instructions performed by a processor:

- a. for presenting an indicator that differs from the content and indicates a presence of the content (col. 3:17-21; fig. 1, Reference Nos. 122, 123, and 124);
- b. for preventing a user from perceiving the content while the indicator is being presented (3:31-33; fig. 1, Reference No. 122);
- c. for receiving a request from the user to access the content (3:14-17; fig. 1, Reference No. 111);
- d. for enabling the user to perceive the content based on the request received from the user (3:31-35; fig. 1, Reference No. 124); and
- e. for preventing the user from capturing the content (3:62-65; fig. 1, Reference No. 124).

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16. Nguyen does not disclose the step of preventing a perception of the content whenever the user attempts to capture the content. However, the step of disabling a service when an unauthorized request is made is a conventional feature in the art of security. For example, Gelfer discloses a security feature of a device having a security flag wherein the security flag is erased when an unauthorized action occurs thereby effectively shutting down the device to prevent use of the device. (Abstract) Hence, it would be obvious to one of ordinary skill in the art at the time the invention was made for the step of preventing the user from capturing the content to include the substep of preventing a perception of the content whenever the user attempts to capture the content since it ensures the prevention of improper use. (Gelfer, ibid) The aforementioned cover the limitations of claim 23.

17. As per claim 24, the rejection of claim 23 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the software instructions for preventing the user from capturing the content include software instructions for preventing the user from capturing the content while perception of the content is enabled. (Nguyen, col. 3:62-65)

18. As per claim 25, the rejection of claim 23 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the content is an image and the memory includes software instructions performable by the processor for generating the indicator to include a display area that has a size that is greater than a size of the image and is positioned at a location of the image. (Nguyen, Figure 1, Reference Nos. 122, 123, and 124)

19. As per claim 30, the rejection of claim 23 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the software instructions for enabling the user to perceive the content include software instructions for presenting the content in a browser window. (Nguyen, col. 3:12-39 and lines 62-65; claims 8 and 15)

20. As per claim 31, the rejection of claim 30 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the software instructions for preventing the user from capturing the content comprises software instructions for preventing the user from accessing an application of a browser used to produce the browser window that otherwise is capable of at least one of copying and saving the content. (Nguyen, col. 3:12-39 and lines 62-65; claims 8 and 15)

21. As per claim 33, the rejection of claim 23 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the content includes an image and the software instructions for preventing the user from capturing the content comprise software instructions for preventing the user from copying and saving the image (Nguyen, col. 3:62-65)

22. As per claim 34, the rejection of claim 23 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the software instructions enable perception of the content from a webpage (Nguyen, Abstract).

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23. As per claim 35, the rejection of claim 23 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the content comprises an image and the software instructions for enabling the user to perceive the content includes displaying the image (Nguyen, col. 3:12-24 and lines 30-34).

24. As per claim 39, the rejection of claim 23 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the content comprises text. (Nguyen, col. 1:19 and 55-57)

25. As per claim 41, the rejection of claim 23 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the software instructions are stored as an applet (Nguyen, col. 1:55-56).

26. As per claims 1-3, 8, 9, 11-17 and 21, they are claims corresponding to claims 23-25, 30-31, 33-35, 39 and 41, and they do not teach or define above the information claimed in claims 23-25, 30-31, 33-35, 39 and 41. Therefore, claims 1-3, 8, 9, 11-17 and 21 are rejected as being unpatentable over Nguyen in view of Gelfer for the same reasons set forth in the rejections of claims 23-25, 30-31, 33-35, 39 and 41.

27. As per claims 42-44, 49, 50, 52-60, 62, 64-72 and 74, they are claims corresponding to claims 23-25, 30-31, 33-35, 39 and 41, and they do not teach or define above the information claimed in claims 23-25, 30-31, 33-35, 39 and 41. Therefore, claims 42-44, 49, 50, 52-60, 62, 64-72 and 74 are rejected as being unpatentable over

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Nguyen in view of Gelfer for the same reasons set forth in the rejections of claims 23-25, 30-31, 33-35, 39 and 41.

28. Claims 4-7, 18-20, 26-29, 36-38, 45-48, 61 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen in view of Gelfer, and further in view of Lemay et al. Teach Yourself Java 2 in 21 Days "Putting Interactive Programs on the Web" pgs. 175-200, "Adding Images, Animation and Sound" pgs. 233-267, "Building Simple User Interfaces for Applets" pgs. 268-291, "Responding to User Input in an Applet" pgs. 319-353, and "Developing Advanced User Interfaces with the AWT" pgs. 354-380 (hereinafter Lemay 2).

29. As per claim 26, the rejection of claim 23 under 35 U.S.C. 103(a) is incorporated herein. (supra) Nguyen does not expressly disclose the indicator comprising text with instructions for securely viewing the content. However, as taught by Lemay 2, the applet used to secure graphical objects in the invention disclosed by Nguyen, are implemented in various contexts and adapted to feature many different types of user interfaces and user input. (pgs. 175-200 'Putting Interactive Programs on the Web', pgs. 233-267 'Adding Images, Animation, and Sound', pgs. 269-291 'Building Simple User Interfaces for Applets', pgs. 320-351 'Responding to User Input in an Applet', and pgs. 353-380 'Developing Advanced User Interfaces with the AWT') One of these features includes adding labels to an applet that instructs a user to actuate an action using a graphical interface tool. (pgs. 273-274, 'Labels'; pg. 275, 'Buttons', second bullet,

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'Button(String)'; pg. 276, Figure 11.3) It would be obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Lemay 2 to the invention disclosed by Nguyen, since it is desirous for the applet to be both user and programmer friendly. (Lemay, page 269, 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs) The aforementioned cover the limitations of claim 26.

30. As per claim 27, the rejection of claim 23 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the software instruction for enabling the user to perceive the content include software instruction for presenting the content to the user when the user requests access to the content by at least positioning a graphical interface tool over the indicator. (Nguyen, col. 3:12-21; Lemay 2, pgs. 275-276, 'Buttons')

31. As per claim 28, the rejection of claim 27 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the software instructions for preventing the user from capturing the content include software instructions for preventing the user from using devices capable of capturing the content while the content is being presented to the user. (Nguyen, fig. 1, Reference No. 110; col. 3:62-65)

32. As per claim 29, the rejection of claim 27 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the software instructions for preventing the user from capturing the content include software instructions for preventing the user from using a

single device to both present and capture the content. (Nguyen, fig. 1, Reference No. 110; col. 3:62-65)

33. As per claim 36, the rejection of claim 23 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the content is described in a hypertext markup language. (Lemay 2, pgs. 184-189, '<APPLET> tag')

34. As per claim 37, the rejection of claim 23 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the software instructions for receiving a request from the user to access the content comprise software instructions for receiving instructions from a user to access a document, the instructions including a network address of the document (Nguyen, col. 3:5-10 and lines 53-57; Lemay 2, pgs. 245-246, 'Retrieving and Using Images' and 'Relative File Paths').

35. As per claim 38, the rejection of claim 23 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the content generated by an applet includes sound. (Nguyen, col. 1:18-20; Lemay 2, pgs. 263-266, 'Retrieving and Using Sounds')

36. As per claims 4-7 and 18-20, they are claims corresponding to claims 26-29 and 36-38, and they do not teach or define above the information claimed in claims 26-29 and 36-38. Therefore, claims 4-7 and 18-20 are rejected as being unpatentable over

Nguyen in view of Gelfer and Lemay 2 for the same reasons set forth in the rejections of claims 26-29 and 36-38.

37. As per claims 45-48, they are claims corresponding to claims 26-29, and they do not teach or define above the information claimed in claims 26-29. Therefore, claims 45-48 are rejected as being unpatentable over Nguyen in view of Gelfer and Lemay 2 for the same reasons set forth in the rejections of claims 26-29.

38. As per claim 61, it is a claim corresponding to claim 38, and it does not teach or define above the information claimed in claim 38. Therefore, claim 61 is rejected as being unpatentable over Nguyen in view of Gelfer and Lemay 2 for the same reasons set forth in the rejection of claim 38.

39. As per claim 73, it is a claim corresponding to claim 38, and it does not teach or define above the information claimed in claim 38. Therefore, claim 73 is rejected as being unpatentable over Nguyen in view of Gelfer and Lemay 2 for the same reasons set forth in the rejection of claim 38.

40. Claims 22, 40, 63 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen in view of Gelfer, and further in view of Huseby 'Video on the World Wide Web Accessing Video from WWW Browsers' (hereinafter Huseby).

41. As per claim 40, the rejection of claim 23 under 35 U.S.C. 103(a) is incorporated herein. (supra) Although neither Nguyen nor Gelfer disclose the protected content as including video information, it is notoriously well known in the art for digital video to be presented using an applet run on a browser. For example, Huseby teaches a sample java video applet run in a Netscape browser. (pg. 4, Figure 4.4) It would be obvious to one of ordinary skill in the art at the time the invention was made for the content prevented from user capture to include video, since it is desirous for the applet to provide copy protection on all the possible contents presented by the applet. (Nguyen, 1:45-52) The aforementioned cover the limitations of claim 40.

42. As per claim 22, it is a claim corresponding to claim 40, and it does not teach or define above the information claimed in claim 40. Therefore, claim 22 is rejected as being unpatentable over Nguyen in view of Gelfer and Huseby for the same reasons set forth in the rejection of claim 40.

43. As per claim 63, it is a claim corresponding to claim 40, and it does not teach or define above the information claimed in claim 40. Therefore, claim 63 is rejected as being unpatentable over Nguyen in view of Gelfer and Huseby for the same reasons set forth in the rejection of claim 40.

44. As per claim 75, it is a claim corresponding to claim 40, and it does not teach or define above the information claimed in claim 40. Therefore, claim 63 is rejected as

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being unpatentable over Nguyen in view of Gelfer and Huseby for the same reasons set forth in the rejection of claim 40.

***Communications Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jung W Kim  
Examiner  
Art Unit 2132

January 27, 2006



GILBERTO BARRON JR.  
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